

Drisy Nunez Feedback:

I had the chance yesterday Thursday September 5th, 2024, to consult with the village court clerk of Larchmont, New York Drisy Nunez, regarding Restorative Justice. Below is her findings that she sent me in an email.

Restorative Justice is more a concept than a specific law. The general idea is that the criminal justice system would be better if offenders have to work to compensate victims and see the negative effects of their actions rather than pay a fine or do some jail time.

While NY Courts don't have specifically titled "restorative justice" provisions, the concept is integrated in some ways through payment of restitution to a victim, participation in a victim impact panel (as is commonly done in DWI cases) or by requiring community service as part of a sentence.

In theory it would be nice if someone who breaks a window has to go and fix that window, but there's practical difficulties in doing so because (1) victim might not want to have that person around and would feel unsafe if they were (2) defendants may lack the skills and resources necessary to take "restorative" actions, and (3) criminal defendants frequently have other issues like drug addiction or mental health problems that must be addressed before they can really take part in restorative justice.

I suppose problem solving courts like drug courts or mental health courts could be considered forms of restorative justice in action.

She also sent me a specific court case, for me to read. Also moving forward I would like to explore cases, where community service serves part of a sentence, or instead of sentencing the defendant to jail, like if a defendant does break a window, not having the skills or resources, the judge has the defendant actually help the experienced window repair person, do their job, or if they need more long term mental health treatment, than it would take to fix the window, have the defendant get the mental health treatment and attend community service, all in place of the time of their prison-jail time.